

Written Testimony to:

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Committee on Government Reform

Oversight Hearing

“Confronting Recidivism: Prisoner Re-entry Programs
and a Just Future for All Americans”

Reginald A. Wilkinson, Ed.D.

Director, State of Ohio, Department of Rehabilitation and Correction

President and Executive Director, International Association of Reentry

Advisory Board Chair, U.S. Department of Justice,
National Institute of Corrections

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Chairman Davis and members of the House Committee on Government Reform, I appreciate the opportunity to provide testimony at this oversight hearing entitled “Confronting Recidivism: Prisoner Re-entry Programs and a Just Future for All Americans.” Certainly the topic of this hearing is one of the most important justice initiatives that exists today. My comments detail why I’ve attached a high level of importance to the concept of offender reentry.

I am now in my 32nd year as a correctional administrator—all in Ohio. I have served as Director of the Ohio Department of Rehabilitation and Correction for fourteen years. I am a past president of both the American Correctional Association and the Association of State Correctional Administrators: two of the nation’s leading corrections trade associations. I was appointed a member of the U.S. Department of Justice, National Institute of Corrections Advisory Board by former U.S. Attorney General John Ashcroft; its members elected me chair of the Board. Ohio Governor Bob Taft asked me to serve as chair of the State Agency Offender Reentry Coalition. Moreover, I serve as president and executive director of the newly formed International Association of Reentry. Also noteworthy, I have served as an advisor to organizations such as the Council of State Governments and the Urban Institute regarding their offender reentry initiatives.

I would like to provide the Committee with a general overview of the importance of prisoner reentry to the field of corrections before I share more specific comments about the value of the legislation you are considering.

REENTRY NATIONALLY

As it moves through the first decade of the twenty-first century, the field of corrections has embarked upon a major reexamination of offender reentry. In fact, offender “reentry” is beginning to take the corrections world by storm. In my estimation, it is a storm much overdue.

There is a growing national movement in corrections embracing offender reentry. Remarkably, in a relatively short span of time, an impressive array of efforts have been launched at all levels of government and by untold groups and community organizations to build more effective and innovative responses to the myriad of challenges presented by reentry. These efforts, which I will summarize at various points throughout my remarks, demonstrate clearly that reentry is not a fad. It is here to stay!

Since the late 1990s, the Urban Institute in Washington, D.C., has hosted a series of Reentry Roundtables to assess the state of knowledge and to publish specialized reports on this topic. Leaders in the field, academicians,

policymakers, and many others have gathered periodically to debate and share what is known about the challenges and issues that must be addressed to ensure successful reentry transitions for offenders.

The National Institute of Corrections (NIC) in 2000 hosted two national “public hearings” on a variety of correctional topics; one such topic was offender reentry. As a result, NIC has launched a significant “Transition from Prison to Community” project to offer technical assistance and support to a select number of states relative to transforming their systems governing reentry. NIC, a division of the U.S. Department of Justice, is well regarded within the field of corrections. It has always been, and continues to be supportive of decision-making informed by credible evidence and sound practice.

In 2001, the U.S. Department of Justice and a broad consortium of federal agencies forged a unique, path breaking partnership by providing a total of \$100 million in grant funding spread across all fifty states to address reentry planning and programming for serious, violent, felony offenders. Known as the “Serious and Violent Offender Reentry Initiative,” its continuing importance to the field has been reinforced by additional funding for a comprehensive, multi-year, multi-site evaluation of selected states’ systems of reentry. Ohio was one of the recipients of this grant.

As this Committee is well aware, President George W. Bush in his 2004 State of the Union address urged Congress to allocate \$300 million over four years to support the reentry transition of offenders. His reentry initiative calls for support for job training and placement services, transitional housing, community and faith-based services, especially in mentoring offenders as they return home. President Bush’s recitation that “America is the land of second chances” will resonate with corrections professionals for years to come.

In mid-September 2004, Cleveland, Ohio was the site of the first annual “National Conference on Offender Reentry” sponsored by the U.S. Department of Justice and the other federal agencies involved in the Serious and Violent Offender Reentry Initiative. Then Attorney General Ashcroft gave an opening keynote address. Over 1,400 attendees participated in the conference.

The Re-Entry Policy Council recently released a landmark report that offers a comprehensive set of bipartisan, consensus-based recommendations for policymakers and practitioners interested in improving the likelihood that adults released from prison or jail will avoid crime and become productive and healthy members of both their families and community. To coordinate the Policy Council, the Council of State Governments partnered with ten other national organizations including the Association of State Correctional Administrators.

This unprecedented project brought together nearly one hundred leaders representing a wide spectrum of systems relating to prisoner reentry and

received the support of three federal agencies: the Departments of Justice, Labor, and Health and Human Services. The report comprises hundreds of recommendations and research findings related to employment, public safety, housing, health, families, faith-based initiatives, and victims.

Of even greater importance, the *Report of the Re-Entry Policy Council* reflects a broad consensus achieved among diverse experts in these areas, Republicans and Democrats alike. As such, it can serve as a template for the kind of bipartisan collaboration needed to support—and pass—the proposed legislation.

The Second Chance Act is consistent with the recommendations enunciated in the *Report of the Re-Entry Policy Council* in that it recognizes the many complex issues affecting individuals released from prison or jail, which must be addressed to ensure that they do not recidivate upon their return to the community. Like the *Report*, the proposed legislation also encourages state and local governments to craft solutions which span agencies and engage community-based partners.

As a state and national corrections leader and member of the Council, I have wrestled with the issue of reentry for much of my professional life, and I have seen how our approach to reentry can and should be reinvented to improve the safety and stability of America's families and communities. I applaud the federal leadership and vital support that the Second Chance Act provides to local jurisdictions struggling with this pressing public safety and public spending issue.

COMMENTS ON THE “SECOND CHANCE ACT”

I would now like to share some observations regarding the Second Chance Act. To start, I would like to recognize the unprecedented leadership of Ohio Congressman Rob Portman, and the other co-sponsors of this vital legislation. This bill, when adopted, will exert a substantial impact on reducing offender recidivism, save precious taxpayer dollars, provide tools to address the myriad of substance abuse, mental health and other problems that beset offenders who are confined behind prison walls, and serve to strengthen families and communities across the country. The comprehensive nature of this proposed legislation is designed to ensure a seamless transition for offenders characterized by both support and accountability. It is a bill that speaks to sound public policy and effective correctional practice.

I will now address the bill, specifically, in relation to offender recidivism and public safety, viewing reentry from a holistic framework, strengthening families, improving communities' quality of life, and reducing barriers that confront offenders as they seek to return home following a period of confinement. I will close with some comments about the future of reentry.

Offender Recidivism and Public Safety

It is notable that approximately 650,000 offenders will be released annually from state and federal prisons to communities and neighborhoods across the land. What this means is that over the course of the next decade, a total of six to seven million formerly incarcerated persons will return home from confinement. The interest in reentry is fueled by many factors including the recognition by legislators, correctional leaders, and others that public safety is sorely compromised when hundreds of thousands of prisoners released from institutions are ill-prepared and ill-equipped to succeed in the free world. The Second Chance Act recognizes how reentry is approached, the strategies, initiatives, and programs that are adopted by those in the field matter a great deal to the future well-being of communities, victims, and offenders.

From research and common sense, we know that a majority of offenders released from confinement are all too likely to reoffend. As Dr. Joan Petersilia, a well-known California criminologist states, the problem of offender recidivism remains quite serious. She has compared the results of a recent survey by the U.S. Department of Justice, Bureau of Justice Statistics (BJS) on a cohort of prisoners released in 1994 with a similar BJS study completed on prisoners released in 1983. Her dismal conclusion is that “from the available evidence...persons being released from prison today are doing less well than their counterparts released a decade ago in successfully reintegrating into their communities. More of them are being rearrested; these arrests are occurring more quickly; and as a group, ex-convicts are accounting for a growing share of all serious crimes experienced in the United States.” High rates of recidivism mean pronounced levels of victimization.

The costs of criminal behavior and recidivism are enormous. High rates of offender recidivism are one factor driving prison population growth across the country. A total of \$60 billion was spent on corrections alone in 2002, a figure that shows no sign of decreasing. The national average annual cost of confining a prisoner exceeds \$22,000. And these figures do not account for other criminal justice processing costs, or the costs—personal and property related—to the victims of crime. These are costs that cannot be sustained in the absence of any meaningful return on the investment.

My experience over thirty-two years in corrections suggests unequivocally that the issue of offender recidivism must be addressed from within a fundamentally different framework. Whether the reincarceration is because of a new crime committed or a technical violation, we must begin by recognizing that corrections leaders and correctional systems cannot go it alone. To do so promises to repeat the failures of the past, and guarantees continued high rates of offender recidivism.

Viewing Reentry Holistically

The Second Chance Act clearly acknowledges the importance of taking a holistic approach when dealing with offenders returning home. In Ohio, Washington, and in many other states, innovative initiatives are underway that emphasize building a continuum of services, programming, support, and offender accountability that extends from the time of sentencing well beyond release from prison to any period of supervision that may follow. The key is that these strategies and initiatives must be developed in collaboration and partnership with community groups and organizations, service providers, citizens, victims, and formerly incarcerated individuals. Their ownership and support at the local level are vital to achieving successful pathways for offender reentry.

In July 2002, the Ohio Department of Rehabilitation and Correction published a comprehensive report called *The Ohio Plan for Productive Offender Reentry and Recidivism Reduction*. The “Ohio Plan” views reentry as a philosophy, not a program. The plan calls for a broad systems approach to managing offenders returning to the community following a period of incarceration. It contains wide-ranging recommendations centering on reentry planning, programming, family involvement, employment and discharge readiness, offender supervision, and community partnerships.

Under the “Ohio Plan,” the process of planning for reentry begins immediately through a series of assessments at one of three reception centers, not a few weeks, or even a few months, before release from incarceration. This effort represents an ambitious and holistic endeavor to create a seamless transition from prison to the community. Reentry planning is an essential component that must begin immediately upon an offender’s admission. It draws on a variety of risk and needs assessment tools for prioritizing programming and service delivery as offenders transition through the system. The Second Chance Act recognizes the importance of such assessments to reducing the likelihood of offender recidivism through its provision for grants to state and local governments to draw on such tools.

Ensuring that offenders receive appropriate programming both during confinement and while they are under supervision in the community is an important component of the reentry transition. National statistics, as well as Ohio data, indicate that a significant percentage of offenders who enter state and federal prison have previous histories of substance abuse, and/or mental health problems. These offenders require effective intervention and service delivery in a manner that must be sustained both during and after incarceration. The provision in the bill offering demonstration grants supportive of such programming will assist many states in addressing these offenders’ unique needs. It is critical, however, that the treatment interventions provided draw from

those program models that have demonstrated their effectiveness and value as evidenced by credible evaluations.

Strengthening Families

One of the more significant costs associated with imprisonment is its impact on the families and children left behind. As research shows, a growing number of prison inmates are parents. During the last decade the total number of parents in prison has increased sharply—from an estimated 452,500 in state and federal facilities in 1991 to 721,500 in 1997—an increase of sixty percent. These prisoners are parents to 1.5 million children. This figure represents a growth of over one-half million children in the last decade.

More children are affected by the incarceration of a parent than at any other time in the history of corrections in the United States. In fact, two percent of all minor children and roughly seven percent of all African-American children had a parent in state or federal prison in 1997.

Yet, one of the more sobering trends too often overlooked in correctional management discussions is the impact incarceration *and* reentry have on families, fathers, mothers, children, siblings, and others who are connected to a family network. Policymakers and others have not paid enough attention to how the experience of incarceration and reentry affects families and children. Nor have they paid sufficient attention to how engaging families and prisoners during and after confinement may contribute to more successful reentry outcomes.

The Second Chance Act recognizes the importance of family involvement in reentry. I strongly support its commitment to provide grant funding to states and local jurisdictions to expand family-based treatment centers that target comprehensive treatment services for the family as a unit. Family case management that starts inside and continues into the community following an offender's release will contribute to successful reentry transitions. I also support the bill's provision that calls for removing the age limitation for grandparents to receive support and services under those circumstances in which they have assumed custody and care for their grandchildren while one or both parents are incarcerated.

The Ohio Department of Rehabilitation and Correction has taken steps to engage offenders' families in reentry. In March 2004, the Department, in partnership with the Center for Families and Children, a non-profit community agency in Cleveland, Ohio co-hosted a conference focusing on prisoners as parents and the challenges of reentry. The conference was very well received.

As part of the conference agenda, I formed a Family Council composed of various state agency representatives, family members, non-profit and inter-faith agencies, and family counseling practitioners to address offender/family issues

across the reentry continuum. As it grows and develops, it will provide specific recommendations and ideas for strengthening the role families play in supporting offenders' reentry transitions both while they are confined in institutions, and while they are under supervision in the community.

The Ohio Department of Rehabilitation and Correction recently received a commitment of \$3 million from the Temporary Assistance to Needy Families (TANF) grant administered by the Ohio Department of Job and Family Services to pilot "Family Life Centers" inside three prisons. The pilot project, *Children of Incarcerated Parents: Breaking the Cycle*, has established three such centers at the Dayton, London, and Richland Correctional Institutions to provide parenting and family services to offenders before and after release from prison. This initiative builds on Ohio's commitment to reentry by encouraging family members to participate in prison-based programming, while accessing additional resources and wrap-around services in partnership with three community agencies: Talbert House (Hamilton County), the Center for Families and Children (Cuyahoga County), and Alvis House (Franklin County).

Improving Communities' Quality of Life

The Second Chance Act recognizes the vital role that community-based organizations and local community members should play in returning offenders to their home and communities so that they can be productive and remain crime free. Communities and local citizens bring expertise, knowledge of resources, and often a willingness to assist offenders in making a successful reentry transition. Mentoring represents a particularly important component in this process. Mentors whether through faith-based, or other community organizations offer guidance, direction, and often a compassionate commitment to work with ex-offenders as they reacquire the skills and competencies they need to make it once they are released.

The Department of Corrections under the Ohio Plan on Reentry has created a "reentry mentor" as part of our Volunteers Program. The goal is to afford community and faith-based organizations the opportunity to work with offenders starting inside and carrying that relationship outside to the community. This strategy holds great promise for returning offenders safely home. I believe this is an area of corrections that will be greatly enhanced given the bill's authorization to provide grants to those community organizations and groups that provide transitional services and mentoring programs as offenders exit the prison system.

Community ownership and involvement is important in other ways as well. One of the more important initiatives with the Department involves the establishment of Citizen Circles. Citizen Circles draw on community partnerships and active collaboration with Ohio's Adult Parole Authority, institutions, service providers, law enforcement, family members, and community members. The focus of the Citizen Circle is to provide offenders returning to the community with transitional

support, yet hold them accountable for compliance with their reentry plan. I have also formed a Citizen Circle Steering Committee to guide the future work and effectiveness of this vital, community-based effort.

Three reentry forums have been held recently in the Ohio cities of Toledo, Lima, and Defiance. Called a “RIEL” Partnership: Reentry of Individuals & Enriching Lives, these events have been very well attended. They are designed to provide an interactive forum to educate, create awareness, and facilitate networking of agencies, community groups, and many others at the local level supportive of offenders returning to their local neighborhoods and areas of residence.

The City of Cleveland has established a Reentry Advisory Committee. Formed under the auspices of Mayor Jane Campbell’s office, the goal of this initiative is to develop a strategic plan that will provide a blueprint for linking resources, identifying effective programming, and enhancing service delivery for ex-offenders returning to the city. The committee is expected to develop a city-wide reentry strategy by the middle of 2005.

Finally, under the Ohio Plan on Reentry, the Ohio Department of Corrections has taken steps to engage the faith community through the formation of a Faith-Based Council, and regionalized efforts to draw in faith-based participation in reentry programming and transitional services. As part of this, regional faith councils have been established in several areas of the state that are linked with the institutions and parole offices in the respective regions. Through their activities, members of the faith community are invited to provide mentoring and support services for families and offenders. These efforts are pursued in partnership with Ohio Governor Bob Taft’s Office of Faith-Based and Community Initiatives.

Collateral Sanctions and Barriers to Reentry

Offenders released from prison experience a range of barriers affecting their prospects for a successful return home. Since 1980, numerous laws have been passed restricting the kinds of jobs for which ex-prisoners can be hired, easing the requirements for their parental rights to be terminated, restricting their access to public welfare and housing subsidies, and limiting their right to vote. Though the rationale for these changes may have been well intentioned, their impact has been cumulative and deleterious to offender reentry.

Jeremy Travis, president of John Jay College of Criminal Justice, called these “invisible punishments” by which he means the extension of formal criminal sanctions through the diminution of the rights and responsibilities of citizenship and legal residency in the United States. Referred to by others as collateral sanctions, they represent laws, regulations, and administrative rules that often operate largely out of public view. They may carry serious, adverse, and unfair consequences for the individuals affected.

Recently, a symposium was held at the Toledo University Law School. The symposium brought together lawyers, correctional administrators, judges, college professors, and others to assess the impact of the collateral sanctions attached to a criminal conviction in Ohio's laws and administrative rules. One of the documents presented showed that there were 359 such sanctions, many of them serving to restrict access to employment in various professions and occupations. I heartily applaud the focus of the Second Chance Act on addressing those federal barriers, or collateral sanctions, that may undermine offenders' efforts at reentry through the formation of a federal taskforce. With support from our Governor's office, I am preparing omnibus reentry legislation that will address such barriers in Ohio, alongside provisions that facilitate the successful return of offenders following their release from prison, or discharge from parole supervision.

LOOKING AHEAD: THE FUTURE OF REENTRY

I am optimistic about the future of reentry. The scale and scope of the national focus on reentry is unique to the extent that it encompasses a holistic perspective. Among my peers, it is not possible to go to a meeting without engaging in a dialogue about the momentum and phenomenon of reentry. In 2002, I convened directors of state departments of corrections who met at the annual Congress of Correction of the American Correctional Association to discuss their respective states' strategies for retooling their systems of reentry. As then president-elect of the Association of State Correctional Administrators, and the host sponsor, I found it quite significant that over forty directors/commissioners were in attendance to discuss their approaches to retooling reentry in their respective states.

The commitment to reentry in the field of corrections remains strong, and is growing. Several states, including Michigan and Ohio, have formed the equivalent of an interagency reentry steering committees to guide their work. Under Governor Taft's approval, I am chairing the newly formed State Agency Offender Reentry Coalition. This group is composed of over a dozen cabinet level agencies and offices whose work directly or indirectly impacts on reentry. Its mission is to provide assistance and support in the many areas of state and local government linked to offender reentry transitions.

Most recently, I have worked with a group of colleagues from across the country to form the International Association of Reentry. Its mission is to foster victim and community safety through correctional reform and prison population management, cost containment, professional development, and the successful reintegration of offenders. The Association will serve as a catalyst spurring active collaboration among correctional practitioners, allied justice professionals, the victim community, formerly incarcerated persons, higher education, public policymakers, inter-faith and family advocates, and community members.

The Association is committed to identifying, developing, and disseminating evidence-based “best practices” and those policies, programs, and protocols relevant to reentry. The Association is hosting its Inaugural Summit in Columbus, Ohio from March 14-16, 2005. This and future Summits will provide energetic advocacy targeting the many areas encompassed by reentry, including the issuing of action-oriented reports, position papers, legislative testimony, and other methods. Initially, the reach of the Association is within North America. Eventually, the Association expects a worldwide membership.

There is a pressing need for information to be shared and disseminated regarding where best practices may be found. There is also a real need to ensure that there are sufficient resources and mechanisms in place to provide staff training on what these best practices are and how they may be implemented. I strongly support the Second Chance Act’s provision calling for a National Offender Reentry Resource Center. I believe that the existence of such a center will provide a clearinghouse and national database whereby all levels of government, local jurisdictions and communities, and stakeholders who have an interest may go to learn more about what works and what is effective relative to offender reentry.

The Second Chance Act provides a very sensible balance that recognizes reentry is about public safety, at the same time, it is about returning offenders home as tax-paying and productive citizens. As I think about the past, and our prospects for the future, it is very evident to me that we do not have a whole lot of viable options—other than to embrace reentry. Reentry must be done correctly. That means drawing on reentry best practices, seeking active collaboration and sustainable community and faith-based partners, engaging families across the full spectrum of reentry, and reducing those barriers that undermine offenders’ successful transitions from prison to home. It is my firm belief that if we accomplish those goals, when coupled with the very vital support provided by the Second Chance Act, we will experience outcomes that create safer communities.

Again, I appreciate the opportunity to provide testimony at this oversight hearing. Mr. Chairman, I’d be pleased to respond to any questions that you or committee members may have.